

wherein the material to be processed is the odor-emitting gas and wherein the odorous components are adsorbed by the cleansing processing agent for removal;

wherein the polymer comprises 5 to 80% of an acrylonitrile unit;

wherein the acid is sulfuric acid.

wherein the acid comprises 10 to 100 moles based on the total monomer unit of the polymer;

wherein the cleansing processing agent further comprises an inorganic pigment; and

wherein the polymer is pulverized before the hydrophilic groups are added by the acid or alkali.

Remarks

Pending were claims 1 to 19, of which claims 1, 10, and 19 were independent. Due to a restriction, claims 1 to 9, and 19 were divided out. Claims 10 to 18 were pending and new claims 20 to 24 were added. Now claims 1 to 24 are canceled and claim 25 is amended in favor of new claims 26 to 41, of which claims 25 and 41 are independent.

The independent claims as now amended are not anticipated by the cited art. None teach the ionic group derived from the reaction of the acid/alkali with the resin. The prior also fails to teach the adsorption of the heavy metals in the effluent. Also, none of the prior art teaches the mole concentrations recited.

The applicant notes that none of the cited art may be combined in the now claimed fashion. There is no teaching of every claimed element in the art nor any suggestion or motivation to combine the disparate pieces of art to arrive at the claimed invention.

The applicant also notes that the Examiner 15 pieces of art that allegedly render the then claimed invention obvious. The Examiner failed to identify how any one particular piece of art

can be combined with another. That is, the rejection was simply based on the naked recitation of 15 pieces of art with no adequate discussion of any one particular piece and how that piece can be combined with others. The burden is squarely on the Office to show precisely how the art applies by actual evidence and specific showings. While admirable that the 15 pieces of art were found, it does not diminish the Office's responsibility to discuss the art and make the statutorily required prima facie case. This is clearly shown from In Re Dembiczak where the Court chastised the Office for failing to make the required specific showing:

The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. See, e.g., C.R. Bard, 157 F.3d at 1352, 48 USPQ2d at 1232. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." E.g., McElmurry v. Arkansas Power & Light Co., 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) ("Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact."); In re Sichert, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977) ("The examiner's conclusory statement that the specification does not teach the best mode of using the invention is unaccompanied by evidence or reasoning and is entirely inadequate to support the rejection."). In addition to demonstrating the propriety of an obviousness analysis, particular factual findings regarding the suggestion, teaching, or motivation to combine serve a number of important purposes, including: (1) clear explication of the position adopted by the Examiner and the Board; (2) identification of the factual disputes, if any, between the applicant and the Board; and (3) facilitation of review on appeal. Here, however, the Board did not make particular findings regarding the locus of the suggestion, teaching, or motivation to combine the prior art references.

To be sure, the 15 references can be combined in a myriad of combinations. For example, the first piece of art can be combined with the other 14 in at least 104 different ways. The burden is squarely on the Office to demonstrate at least one. The applicant respectfully asserts that the simple incantation that 15 pieces of art can be combined does not aid the applicant in determining if that can be so, and certainly does not satisfy the requirement that the Office create a public written record of the proceedings with the sufficient level of detail. Each reference must be shown to describe the claimed element in question and then suggestion to combine references.

Conclusion

The applicant respectfully requests withdrawal of the rejections and believes that the claims as presented represent allowable subject matter. But if the Examiner desires, the applicant is ready for a telephone interview to expedite prosecution. As always, the Examiner is free to call the undersigned at 312-876-2622. The Examiner's attention is also drawn to the new correspondence address.

Respectfully submitted,



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